

### **REMARKS**

Claims 1-20 and pending in the application and claims 1-5, 8-13 and 16 stand rejected. Applicants gratefully acknowledge Examiner's indication that claims 17-20 are allowed and that claims 6, 7, 14 and 15 comprise allowable subject matter and would be allowable if rewritten as suggested in the Office Action.

By the above amendment, Claims 7 and 9 have been amended and claim 15 has been canceled without prejudice. In addition, new claims 21 and 22 have been added to further define the invention. No new matter has been introduced by virtue of the claim amendments and additions. Applicants respectfully request reconsideration of the claim rejections based on the above amendments and following remarks.

#### **Claim Rejections - 35 U.S.C. § 112**

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth in the Office Action. Although Applicants respectfully disagree with the rejection, claim 9 has been amended to remove the recitation of "...securing the liquid crystal display ..". Accordingly, withdrawal of the rejection is respectfully requested.

#### **Claim Rejections - 35 U.S.C. § 103**

Claim 1 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Applicants' admitted prior art (AAPA) in view of U.S. Patent No. 5,766,493 to Shin.

Claims 9, 2-5, 8, 10-13 and 16 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over AAPA in view of Shin and Ohkuma.

Claim 9 has been amended to include the subject matter of canceled claim 15. Therefore, claim 9 is essentially claim 15 written in independent form. Since Examiner has indicated that claim 15 would be allowable if rewritten in independent form, claim 9 is believed to be in

condition for allowance. In addition, all rejected claims that depend from claim 9 are believed to be in condition for allowance at least by virtue of their dependence from claim 9.

With regard to Claim 1, Applicants respectfully traverse the rejection of claim 1 on the ground that the combination of AAPA and Shin does not disclose or suggest, for example, a method for fabricating a collimate and post diffuse type liquid crystal cell, comprising *providing the thinner of the first and second substrates on a viewer side of the collimate and post diffuse type liquid crystal cell to reduce depixelization*.

Indeed, Examiner essentially acknowledges (see Page 3 of the Office Action) that AAPA does not disclose providing the thinner of a first and second substrates on a viewer side of a collimate and post diffuse type liquid crystal cell to reduce depixelization. Examiner relies on Shin as disclosing upper and lower substrates of an LCD display having different thickness. However, it is respectfully submitted that Shin does not cure the deficiencies of AAPA in this regard, because Shin does not disclose or suggest a collimate and post diffuse type liquid crystal cell, much less *providing the thinner of the first and second substrates on a viewer side of the collimate and post diffuse type liquid crystal cell to reduce depixelization*.

In rejecting Claim 1, Examiner essentially ignores the recitation in Claim 1 of *providing the thinner of the first and second substrates on a viewer side of the collimate and post diffuse type liquid crystal cell to reduce depixelization*, contending that such language is a functional limitation that is not given any patentable weight (see Page 4 of the Office Action). Applicants respectfully disagree with Examiner's basis for the rejection of Claim 1.

Indeed, Examiner has not provided any reasonable basis for not considering or otherwise affording patentable weight to such recitation. Even assuming, *arguendo*, that such recitation is a "functional limitation" as characterized by the Examiner, MPEP 2173.05(g) states that "**there is**

**nothing inherently wrong with defining some part of an invention in functional terms” and that functional language is acceptable if it sets “definite boundaries on the patent protection sought.”**

Here, it is respectfully submitted that the claim 1 recitation of *providing the thinner of the first and second substrates on a viewer side of the collimate and post diffuse type liquid crystal cell to reduce depixelization* is compliant with the U.S. Patent Laws and should be given patentable weight. The purported functional limitation of *to reduce depixelization* defines a purpose of *providing the thinner of the first and second substrates on a viewer side of the collimate and post diffuse type liquid crystal cell*, which is clearly not disclosed or suggested by the combination of AAPA and Shin.

Accordingly, Claim 1 is believed to be patentable and nonobvious over the combination of AAPA and Shin. Furthermore, all rejected claims that depend from claim 1 are believed to be patentable over the cited references at least for the same reasons given for claim 1.

Accordingly, withdrawal of the claim rejections is respectfully requested.

New claims 20 and 21 are believed to be patentable over the cited references at least for reasons similar to those given by Examiner with respect to claim 7, 15 and 17, for example.

Respectfully submitted,



Frank V. DeRosa  
Reg. No. 43,584  
Attorney for Applicant(s)

F. Chau & Associates, LLP  
1900 Hempstead Turnpike  
East Meadow, New York 11553  
TEL: (516) 357-0091  
FAX: (516) 357-0092